

BILL NO. 93-11

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 93-11

Introduced by Council Member Pierno and Council President Wilson at
the Request of the County Executive

Legislative Day No. 93-7

Date March 2, 1993

AN ACT to repeal subsection B(8) of Section 267-30.2, Applicability, and subsections E and F of Section 267-30.5, Forest Conservation Plan, of Article VA, Forest and Tree Conservation; to repeal and reenact, with amendments, the definition of "net tract area," of Section 267-4, Definitions, of Article I, General Provisions; to repeal and reenact, with amendments, subsections B(7) and B(9) of Section 267-30.2, Applicability, subsections G, H and I of Section 267-30.5, Forest Conservation Plan, subsection C of Section 267-30.7, Reforestation, and subsection A of Section 267-30.10, Individual Tree Plantings, all of Article VA, Forest and Tree Conservation; and to add Section 267-30.5.1, Abbreviated Process, to Article VA, Forest and Tree Conservation, all of the preceding of Part 1, Standards, of Chapter 267, Zoning, of the Harford County Code, as amended; to delete public utility rights-

By the Council, March 2, 1993

Introduced, read first time, ordered posted and public hearing scheduled
on: April 6, 1993
at: 7:15 p.m.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 6, 1993, and concluded on, April 6, 1993

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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of-way and areas in the Chesapeake Bay Critical Area from the areas used to calculate requirements for forest retention, afforestation and reforestation in connection with the forest and tree conservation law; to exempt from the forest and tree conservation law parcels described in the land records of January 1, 1992, under certain conditions; to repeal an exemption from the forest and tree conservation law for intra-family transfers; to establish an abbreviated process of approval and review for residential subdivisions of 5 lots or less in connection with the forest and tree conservation law; to establish time periods for County review of subdivisions submitted under the abbreviated process; to establish certain requirements and standards for the abbreviated process; to clarify the requirements relating to reforestation ratios in connection with the forest and tree conservation law; and to reduce the reforestation credit for individual tree plantings from twice the square footage to an amount equal to the square footage of the area of mature canopy of the individual trees planted.

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on, _____

_____, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, That subsection B(8) of Section 267-30.2,
3 Applicability, and subsections E and F of Section 267-30.5, Forest
4 Conservation Plan, of Article VA, Forest and Tree Conservation, be,
5 and they are hereby, repealed, that the definition of "net tract
6 area," of Section 267-4, Definitions, of Article I, General
7 Provisions, be, and it is hereby, repealed amd reenacted with
8 amendments, that subsections B(7) and B(9) of Section 267-30.2,
1 Applicability, subsections G, H and I of Section 267-30.5, Forest
2 Conservation Plan, subsection C of Section 267-30.7, Reforestation,
3 and subsection A of Section 267-30.10, Individual Tree Plantings,
4 of Article VA, Forest and Tree Conservation, be, and they are
5 hereby, repealed and reenacted with amendments, and that Section
6 267-30.5.1, Abbreviated Process, be, and it is hereby, added to
7 Article VA, Forest and Tree Conservation, all of Part 1, Standards,
8 of Chapter 267, Zoning, of the Harford County Code, as amended, and
9 all to read as follows:

10 Chapter 267. Zoning.

11 Part 1. Standards.

12 Article I. General Provisions.

13 Section 267-4. Definitions.

14 For purposes of this Part 1, the following words and phrases
15 shall have the meanings provided below:

16 Net tract area - A. In the Ag Zoning District, the portion of
17 the parcel for which land use will be changed or that will no
18 longer be used primarily for agriculture, [reduced by any
19 unforested area within the floodplain district established under

Chapter 131 of this Code] AND IN ALL OTHER ZONING DISTRICTS, THE
TOTAL AREA OF THE PARCEL, TO THE NEAREST ONE-TENTH ACRE.

B. [In all other districts, the total area of the parcel,
to the nearest one-tenth acre, reduced by any unforested area
within the floodplain district established under Chapter 131 of
this Code] "NET TRACT AREA" DOES NOT INCLUDE THE FOLLOWING AREAS:

(1) ANY UNFORESTED AREA WITHIN THE FLOODPLAIN DISTRICT
ESTABLISHED UNDER CHAPTER 131 OF THIS CODE;

(2) ANY RIGHT-OF-WAY ~~FOR A PUBLIC UTILITY;~~ AND FOR:

(a) AN OVERHEAD TRANSMISSION LINE OF A PUBLIC
UTILITY, IF THE LINE IS DESIGNED TO CARRY A VOLTAGE IN EXCESS OF
69,000 VOLTS; OR

(b) AN UNDERGROUND PIPELINE USED TO TRANSPORT
NATURAL GAS OR PETROLEUM PRODUCTS, IF THE RIGHT-OF-WAY AVERAGES AT
LEAST 50 FEET IN WIDTH; OR

(3) ANY AREA WITHIN THE CHESAPEAKE BAY CRITICAL AREA
OVERLAY DISTRICT ESTABLISHED UNDER §267-41.1 OF THIS CHAPTER.

Article VA. Forest and Tree Conservation.

Section 267-30.2. Applicability.

B. This Article does not apply to:

(7) Any development conducted on a single [lot] PARCEL
DESCRIBED IN THE LAND RECORDS OF JANUARY 1, 1992, of any size, if
the development:

(a) does not result in the cutting, clearing, or
grading of more than 40,000 square feet of forest; and

1 (b) does not result in the cutting, clearing, or
2 grading of any forest that is subject to a previous forest
3 conservation plan prepared under this Article; AND

4 [(8) Any activity required for the purpose of
5 constructing a dwelling for the use of the landowner, a child of
6 the landowner, or a grandchild of the landowner, if the activity
7 does not result in the cutting, clearing, or grading of more than
8 40,000 square feet of forest; and

9 (9)](8) Any strip or deep mining of coal regulated
10 under the Natural Resources Article, Title F of the Annotated Code
11 of Maryland, and any non-coal surface mining regulated under the
12 Natural Resources Article, Title 7 of the Annotated Code of
13 Maryland.

14 Section 267-30.5. Forest Conservation Plan.

15 [E. A person proposing the development of 5 or fewer lots
16 from a parcel may submit an abbreviated forest conservation plan
17 in a form and content approved by the Department.

18 F. By December 31, 1992, the Department shall adopt
19 guidelines establishing the form and content for abbreviated forest
20 conservation plans for the development of 5 or fewer lots.

21 G.] E. The Department may revoke an approved forest
22 conservation plan if it finds that:

23 (1) any provision of the plan has been violated;

24 (2) approval of the plan was obtained through
25 fraud, misrepresentation, a false or misleading statement, or
26 omission of a relevant or material fact; or

(3) changes in the development or in the condition of the site necessitate preparation of a new or amended plan.

[H.] F. In revoking an approved forest conservation plan under subsection [G] E of this section, the Department shall follow the procedure for revocation of zoning certificates that is set forth in §267-8E of this Chapter.

[I.] G. If a forest conservation plan is required by this Article, a person may not cut, clear, or grade on the development site:

(1) Until the Department has approved the plan; or

(2) In violation of the approved plan.

SECTION 267-30.5.1. ABBREVIATED PROCESS.

A. IN THIS SECTION, "PARCEL" MEANS A PARCEL DESCRIBED IN THE LAND RECORDS AS OF THE EFFECTIVE DATE OF COUNTY COUNCIL BILL NO. 93-11.

B. THIS SECTION APPLIES ONLY TO THE FIRST 5 LOTS CREATED FROM A PARCEL.

C. A PERSON IS NOT REQUIRED TO SUBMIT A FOREST STAND DELINEATION OR A FOREST CONSERVATION PLAN FOR A SUBDIVISION OF 5 OR FEWER RESIDENTIAL LOTS IF:

(1) DEVELOPMENT WILL NOT RESULT IN THE CUTTING, CLEARING, OR GRADING OF:

(a) A CUMULATIVE TOTAL OF MORE THAN 40,000 SQUARE FEET OF FOREST ON THE PARCEL; AND

(b) FOREST THAT IS SUBJECT TO AN APPROVED FOREST CONSERVATION PLAN;

1 (2) THE PERSON FILES WITH THE PRELIMINARY SUBDIVISION
2 PLAN A DECLARATION OF INTENT STATING THAT DEVELOPMENT WILL BE
3 CONDUCTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION; AND

4 (3) THE FOREST TO BE RETAINED ON THE PARCEL IS
5 DESIGNATED AS SUCH ON THE PRELIMINARY SUBDIVISION PLAN AND THE
6 FINAL SUBDIVISION PLAT.

7 D. A PERSON MAY FILE AN ABBREVIATED FOREST STAND DELINEATION
8 FOR A SUBDIVISION OF 5 OR FEWER RESIDENTIAL LOTS IF:

9 (1) DEVELOPMENT WILL RESULT IN THE CUTTING, CLEARING,
10 OR GRADING OF A CUMULATIVE TOTAL OF MORE THAN 40,000 SQUARE FEET
11 OF FOREST ON THE PARCEL;

12 (2) DEVELOPMENT WILL NOT RESULT IN THE CUTTING,
13 CLEARING, OR GRADING OF FOREST THAT IS SUBJECT TO AN APPROVED
14 FOREST CONSERVATION PLAN;

15 (3) THE ABBREVIATED FOREST STAND DELINEATION IS PREPARED
16 IN ACCORDANCE WITH THE STANDARDS FOR SUCH DELINEATIONS IN THE
17 DEPARTMENT'S FOREST CONSERVATION MANUAL; AND

18 (4) A FOREST CONSERVATION PLAN IS ALSO SUBMITTED FOR THE
19 SITE.

20 E. A PERSON WHO FILES AN ABBREVIATED FOREST STAND
21 DELINEATION MAY FILE THE DELINEATION AND THE FOREST CONSERVATION
22 PLAN FOR THE SITE AT THE SAME TIME.

23 F. WITHIN 60 CALENDAR DAYS AFTER RECEIPT OF THE ABBREVIATED
24 FOREST STAND DELINEATION AND THE FOREST CONSERVATION PLAN, THE
25 DEPARTMENT SHALL NOTIFY THE APPLICANT AS TO WHETHER THE DELINEATION
26 AND PLAN ARE COMPLETE AND APPROVED.

G. IF THE ABBREVIATED FOREST STAND DELINEATION AND THE FOREST CONSERVATION PLAN ARE SUBMITTED SEPARATELY, THE ~~60-DAY~~ PERIOD OF 60 CALENDAR DAYS ESTABLISHED BY SUBSECTION F OF THIS SECTION STARTS FROM THE LATER DATE OF SUBMISSION.

H. IF THE DEPARTMENT FAILS TO NOTIFY THE APPLICANT WITHIN 60 CALENDAR DAYS, THE DELINEATION AND THE PLAN SHALL BE TREATED AS COMPLETE AND APPROVED.

I. THE DEPARTMENT MAY REQUIRE FURTHER INFORMATION OR EXTEND THE DEADLINE FOR AN ADDITIONAL 15 CALENDAR DAYS UNDER EXTENUATING CIRCUMSTANCES.

Section 267-30.7. Reforestation.

C. [Reforestation formula. (1) If the percentage of forest cover remaining on the net tract area after cutting and clearing are completed equals or exceeds the threshold established by this section, the site shall be reforested at a ratio of 1/4 acre planted for every acre removed.] SUBJECT TO SUBSECTION D OF THIS SECTION, FOR ALL EXISTING FOREST COVER MEASURED TO THE NEAREST ONE-TENTH ACRE CLEARED ON THE NET TRACT AREA ABOVE THE THRESHOLD ESTABLISHED BY THIS SECTION, THE AREA OF FOREST REMOVED SHALL BE REFORESTED AT A RATIO OF 1/4 ACRE PLANTED FOR EVERY ACRE REMOVED.

[2] D. Each acre of forest retained on the net tract area above the threshold shall be credited against the total number of acres required to be reforested under [paragraph (1)] SUBSECTION C of this [subsection] SECTION.

[(3) If the percentage of forest cover remaining on the net tract area after cutting and clearing are completed is less than

1 the threshold established by this section, the site shall be
2 reforested at a ratio of 2 acres planted for every acre removed.]

3 E. FOR ALL EXISTING FOREST COVER MEASURED TO THE
4 NEAREST ONE-TENTH ACRE CLEARED ON THE NET TRACT AREA BELOW THE
5 THRESHOLD ESTABLISHED BY THIS SECTION, THE AREA OF FOREST REMOVED
6 SHALL BE REFORESTED AT A RATIO OF 2 ACRES PLANTED FOR EVERY ACRE
7 REMOVED.

8 Section 267-30.10. Individual Tree Plantings.

9 A. Individual tree plantings conducted in accordance with
10 §267-30.8A of this Article shall be credited towards the remaining
11 forest conservation requirement [at a rate of twice] IN AN AMOUNT
12 EQUAL TO the square footage of the area of mature canopy of the
13 individual trees planted.

14 Section 2. And Be It Further Enacted, That This Act does not apply
15 to development conducted in accordance with a preliminary
16 subdivision plan approved before the effective date of this Act.

17 Section 2- 3. And Be It Further Enacted, That This Act shall take
18 effect 60 calendar days from the date it becomes law.

19 EFFECTIVE: June 14, 1993
20
21
22
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24
25

93-11

AS AMENDED

HARFORD COUNTY BILL NO. 93-11 (as amended)(Brief Title) Forest & Tree Conservation Amendment

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Poulsen
Secretary of the Council

John A. Blaso
President of the Council

Date April 13, 1993Date April 13, 1993

BY THE COUNCIL

Read the third time.

Passed: LSD 93-11. (April 13, 1993)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 14th day of April, 1993 at 2:00 p. m.

Doris Poulsen, Secretary

BY THE EXECUTIVE

Lileen M. Redman
COUNTY EXECUTIVE

APPROVED: Date April 15, 1993

BY THE COUNCIL

This Bill (No. 93-11, as amended), having been approved by the Executive and returned to the Council, becomes law on April 15, 1993.

Doris Poulsen, Secretary

EFFECTIVE DATE: June 14, 1993

93-11

AS AMENDED